

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

MAY 30, 2006

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman Steve Fairbanks, Bryant Anderson, Scott Cowdell, Chris McCandless, Stephen Smith, and Dennis Tenney

Mayor: Tom Dolan (Absent)

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Management Analyst Korban Lee; Community Development Director Mike Coulam; Development Services Manager Gil Avellar; Planning Director George Shaw; Personnel Director Brian Kelley; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Assistant Police Chief Ron Bullock; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; Administrative Services Director Art Hunter; Deputy Administrative Services Director Scott Bond, Management Analyst Becky Bracken; Assistant CAO James Davidson; Alta Canyon Recreation Director Janet Cassel; Sandy Chamber Director Nancy Workman; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

ABSENT/EXCUSED:

Council Vice Chairman Linda Martinez Saville (Family Illness); Mayor Tom Dolan (Family Illness)

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Nic White of Troop #914, and the Pledge was led by Alex Bergman, also of Troop # 919.

2. CITIZEN(S) COMMENTS:

- a. **Andrew Glad**, retired former fireman, apologized for angry comments he made at a previous City Council Meeting, when he thought the City had failed to honor former Fire Chief Clough. He thanked the Council for the nice article written about former Fire Chief Bill Clough.

3. SPECIAL PRESENTATION:

Commander Bill Dunlap, representing American Legion Post 77, Sandy, Utah, presented paper Poppies to the Council. He explained that the Poppy became a symbol for veterans because of a war poem honoring those that lost their lives in World War I. The poem was written by a Canadian soldier, physician, and poet, Lt-Colonel John McCrae. Paper Poppies were then sold and used as a fund raiser to assist wounded war veterans. Commander Dunlap indicated that the V.A. Hospital here in Salt Lake has had substantial budget cuts, resulting in the loss of many supplies that can no longer be supplied to patients. There is a great need to raise donations to supplement the loss of budget, and to aid our servicemen and women.

Dennis Tenney asked that a Resolution be prepared for next week's agenda in support of the American Legion.

MOTION: Dennis Tenney made the motion that a resolution be prepared for presentation to the Council next week honoring the principles of freedom that the American Legion stands for.

SECOND: Bryant Anderson

VOTE: Tenney- Yes, Anderson- Yes, Fairbanks- Yes, Winder- Yes,
Saville- Absent, McCandless- Yes, Cowdell- Yes

MOTION PASSED

7 in favor

PUBLIC HEARINGS:

3. Sandy City Budget Opening/Adoption

Public Hearing to open the Sandy City Budget for FY 2005 - 2006, and to consider adopting the Sandy City Budget for the Fiscal Year beginning July 2, 2006, and ending June 30, 2007, including budgets for: the General Fund, the CDBG Operating Fund, Capital Projects Funds, Debt Service Funds, Landscape Maintenance SID Fund, Special Revenue Funds and various proprietary funds of the City, and a Schedule of Fees and Charges.

DISCUSSION: Administrative Services Director Art Hunter presented a power point cumulative summary of the budget for Fiscal year beginning July 2, 2006, and ending June 30, 2007. See "Exhibit A." Essentially, this was about the same budget presentation as was presented for the Tentative Budget adoption on May 2, 2006, with a few minor corrections that have been included in "Exhibit A."

Bryant Anderson asked, "Out of the \$21 million dollars budgeted for Capital Projects, how much will be budgeted out of the General Fund?"

Art Hunter responded, "\$400,000." He explained that the break down could be found in the budget book on page 33.

Scott Bond added that on page 101, footnote #1 explains on how it all balances out.

The public hearing was opened and closed, as there were no comments.

NOTE: Agenda items (3 & 4) were discussed together.

4. Alta Canyon Recreation Special Service District Budget Opening/Adoption

Public Hearing to open the Alta Canyon Recreation Special Service District Budget for the period of July 1, 2005, to June 30, 2006, and to consider adopting the Alta Canyon Recreation Special Service District Budget for Fiscal Year July 1, 2006, to June 30, 2007.

DISCUSSION: Art Hunter advised the Council that the Alta Canyon Recreation Special Service District Board has since held another Board meeting. Upon review of their budget needs for FY 2006-2007, they have decided to send a recommendation to the City Council that they consider approving a 20% property tax increase for ONLY those residents living within the Alta Canyon Recreation Special Service District. This would result in an approximate \$7.62 property tax increase on a \$300,000 home. This would be the first time since the inception of the District that a property tax increase has been sought.

5. At approximately 7:51 p.m., Dennis Tenney made the motion, seconded by Bryant Anderson to recess City Council Meeting to adjourn into:

REDEVELOPMENT AGENCY MEETING

(See separate minutes.)

At approximately 8:00 p.m., Dennis Tenney made the motion, seconded by Chris McCandless, to adjourn Redevelopment Agency Meeting to reconvene into:

SANDY CITY COUNCIL MEETING

6. M&T Investment Rezoning

Public Hearing to consider a request submitted by Mr. Mike Stangl of M&T Investment, LLC to rezone approximately 1.74 acres from the ID "Industrial District" to the RC "Regional Commercial District." The property is located at approximately 625 West 9000 South (southeast corner 700 West 9000 South). The rezoning would facilitate development of a retail center and additional parking for Tai Pan Trading already established on the site to the east.

DISCUSSION: George Shaw presented the proposed rezoning request. He explained that Mr. Mike Stangl of M&T Investment, LLC, has submitted a request to rezone approximately 1.74 acres from the ID "Industrial District" to the RC "Regional Commercial" District. The property is located at approximately 625 West 9000 South (southeast corner 700 West 9000 South). Mr. Stangl is requesting the rezoning to help facilitate the development of a retail center and additional parking for the Tai Pan Trading retail business already established on the site to the east.

The property was annexed into Sandy City in 1971, and as part of that process was given a Manufacturing (M-1) zoning classification. In 1989 the property was rezoned to the Industrial (ID) zoning classification.

The property is bordered to the east by the Tai Pan Trading retail business zoned RC. Across 9000 South to the north is a large vacant parcel also zoned RC. To the west across Riverside Drive (700 West) is a vacant parcel zoned CN and a residential Planned Unit Development. The parcels to the south are zoned ID.

The Regional Commercial District was established to stimulate economic development by allowing for a diversity of land uses in areas of Sandy City that are accessible to regional transportation facilities and developed within "Planned Commercial Centers." This district is intended to stimulate creative development and site design for highway commercial uses. The proposed RC Zone has two pre-requisites for district designation:

1. The parcel must be at least two acres in size, unless it is contiguous with an existing RC District.
2. Areas to be established as a Regional Commercial District must be adjacent to the State Street, Interstate 15, and the 9000 South commercial corridors.

The parcel abuts another RC District to the east and is fronted by two major transportation corridors, 700 West and 9000 South. The proposed rezoning would be extending the 9000 South commercial corridor to Riverside Drive (700 West).

The Sandy City 90th South Gateway Plan adopted for this area indicates the following in regards to this property:

Scenario A - This scenario describes a possible commercial center for the site. Because of this site's high visibility, a suggested combination of commercial and office uses would appear to be more realistic for the site. The commercial uses should be anchored by a regional retail component that would help bring a synergy to the area. A regional retail component would help smaller spin-off support retail services benefit and possibly locate in the center. The marketing goal of this area should be to capitalize on the traffic generated by a regional big box user. Offering complimentary goods and services to this market would hopefully capture a share of the broader demand, together with more localized demand for specific goods and services at this site and the surrounding area.

Based upon the location of the property, Staff feels that the RC District is the best suited zone for the property. With exposure to 9000 South, the property would continue to be developed with highway commercial-type uses. The commercial center has already been established with the development of Tai Pan Trading as the major retail anchor for the site. Continuing the RC Zone throughout the rest of the site will allow for the center to continue to be developed in accordance with the plan for the area.

The Regional Commercial Zone states that the "**district is intended to stimulate creative development and site design for highway commercial uses**". This area is the entryway into Sandy City from the west along 9000 South. Therefore staff feels that the overall site plan (building design, landscape plan, parking etc.) should be reviewed carefully to make sure that this is a high quality development. There may be the possibility of a City gateway feature at this location.

STAFF RECOMMENDATION:

Staff recommends that proposed rezoning of approximately 1.74 acres from the ID District to the RC District be approved based on the following findings:

1. Regional Commercial is the most appropriate zone for this site considering it is fronted by two major transportation corridors.

2. The property meets the zoning pre-requisites in order for RC District designation.
3. This rezoning request is in harmony with the 90th South Gateway Plan approved for this area of the City.
4. Development of a high quality development as would be required under the proposed RC District will provide an asset to the surrounding developments.
5. Planning Commission approval of any project within the area will be based on the quality of the project in the terms of site advantages, building layout, landscaping, traffic flow/access, parking of vehicles and building materials, etc.

The Planning Commission reviewed this request on April 20, 2006, and have forwarded a unanimous recommendation for approval of the RC Zone.

Stephen Smith asked what the difference was between the two zones.

George Shaw explained that the CN Zone is more limited. The RC zone is a more comprehensive (more uses) zone.

The applicant, **Mike Stangle**, was in attendance at the meeting to respond to questions.

The public hearing was opened and closed, as there were no comments.

Mike Coulam reminded the Council that this was the former location of the ARK of Little Cottonwood. The ARK left and moved to the Granite Community.

Steve Fairbanks asked the applicant if he was able to meet the requirements placed upon the development by the Planning Commission.

Mr. Stangle responded, "Yes."

The public hearing was opened and closed, as there were no comments.

MOTION: Dennis Tenney made the motion that documents be brought back to rezone approximately 1.74 acres from the ID "Industrial District" to the RC "Regional Commercial District" as recommended by Staff and the Planning Commission. The property is located at approximately 625 West 9000 South.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

7. **Farnsworth Farms Rezoning II**
Public Hearing to consider a request submitted by Joshua Shipp, of Development Associates, Inc., to rezone approximately 4.12 acres from the R-1-40A "Residential District" to the R-1-10 "Residential District" and the R-1-20 "Residential District." The property abuts Farnsworth Farms, Phase I. This rezoning would facilitate the development of a proposed 10-lot subdivision at approximate 588 East 11000 South.

DISCUSSION: Planning Director George Shaw presented the rezoning request made by Joshua Shipp, of Development Associates, Inc., to **rezone approximately 4.12 acres from the R-1-40A "Residential District" to the R-1-10 "Residential District" and the R-1-20 "Residential District."**

The subject property abuts the Farnsworth Farms, Phase I project which was also rezoned to R-1-10 in January of 2005 (Farnsworth Farms #1 Subdivision, 33-lots). This proposed rezoning would facilitate the development of another 10-lot subdivision. A neighborhood meeting was conducted on April 28, 2005. Items addressed during the meeting related to the design and development of the future subdivision. (A copy of the minutes from the

neighborhood meeting are available with the Staff Report.)

The subject property is generally flat and adjacent to an R-1-10 residential subdivision to the south (Farnsworth Farms #1), with 11000 South Street to the north. To the west there are some large R-1-40A parcels, and to the east the Crescent Heights Adult Living Community abuts the site.

The property is just north of the original Farnsworth Farm. **On October 24, 1995, the City Council adopted Ordinance #95-33** which placed an R-1-10 and R-1-20 "Residential District" zoning on properties within the general vicinity of this proposal. This rezoning included a total of 19.93 acres of property. Lots adjacent to 11000 South were required to have a minimum lot size of 20,000 square feet. Lots on the interior portion of the site adjacent to this proposal were required to have a minimum lot size of 10,000 square feet. Also, on **January 12, 2005, the City Council adopted Ordinance #05-04** which placed an R-1-10 "Residential District" zoning on the property immediately south of this proposal. This rezoning included a total of 12.95 acres. The applicant's request is in harmony with the adjacent residential neighborhood.

The applicant is requesting that the property be rezoned to help facilitate the development of a 10-lot subdivision. The subject property is vacant with the exception of proposed Lot 110. This property has an existing home located on it with frontage along 11000 South. It is proposed to rezone this parcel to the R-1-20 "Residential District" to be in harmony with previous rezonings in the immediate area. Adjacent property to the south and west was rezoned in 1995 and 2005 (Farnsworth Rezoning - Ordinance #95-33, Farnsworth Farms Rezoning - Ordinance #05-04) to allow for R-1-10 "Residential District" and R-1-20 "Residential District" development). As a result, the Orchard Farms Subdivision, Phases #1 thru #3 have been developed, and the Farnsworth Farms, Phase I project is currently under construction. This proposal would be an extension of those projects.

The Crescent Community's Goals and Policies indicate the following:

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| <i>Goal:</i> | 1. | <i>Honor existing rural atmosphere and natural resources.</i> |
| <i>Policies:</i> | b. | <i>Encourage lots of one-half acre or more in existing rural area.</i> |
| | iv. | <i>Recommend the adopting of a R-1-10 lot size as a minimum.</i> |

The City's General Plan indicates the following:

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|------------------|---|
| <i>Goal:</i> | <i>To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.</i> |
| <i>Policies:</i> | <i>Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.</i> |
| | <i>Require proposed zoning changes to be in harmony with established neighborhoods.</i> |

The residential identity of the Crescent Community is rural in nature or country, with some smaller lot developments (Orchard Farms Subdivision to the southwest is R-1-10, Farnsworth Farms Subdivision to the south is also R-1-10). The proposed rezoning and subdivision conforms with the Crescent "Backbone Study" and would not compromise this rural identity. Staff is comfortable with the proposed rezoning and subdivision of the subject property.

Staff does have a concern related to the properties just to the west of this proposal. Access needs to be provided along the west portion of the site (stub street to the property line) to allow for a future connection with undeveloped properties. In addition, a future connection to 11000 South will also be necessary to allow for better ingress/egress in the area.

Consideration regarding any development on this property or in this area should also take into account the following issues as part of the subdivision review process:

1. Access and public street requirements
2. Providing access to adjacent properties for future development
3. Environmental concerns (irrigation, drainage, etc.)
4. Project compatibility
5. Acceptable grading plan

STAFF RECOMMENDATION:

Staff recommends that the subject property be rezoned from the R-1-40A "Residential District" to the R-1-10 Residential District, and the R-1-20 "Residential District" based upon the following findings:

1. The proposed rezoning is in harmony with the Sandy City General Plan and the Crescent Community Goals and Policies.
2. The R-1-10 "Residential District" and R-1-20 "Residential District" would be consistent with the zoning approved for the Orchard Farms Subdivisions, Phases #1 thru #3 and the Farnsworth Farms, Phase I projects in the immediate vicinity.
3. The R-1-10 "Residential District" and the R-1-20 "Residential District" would not jeopardize the rural/country atmosphere in the area (12,000 square foot average lot size for R-1-10 Zone - 30,000 square foot average lot size for R-1-20 Zone).
4. Staff feels that no matter what zoning this parcel is given, it must take into account possible future development to the west.
5. The proposed rezoning conforms with the Crescent Backbone Study."

The public hearing was opened and closed, as there were no comments.

MOTION: Chris McCandless made the motion to have documents brought back to adopt the proposed rezoning of approximately 4.12 acres from the R-1-40A "Residential District" to the R-1-10 "Residential District", and the R-1-20 "residential District" as recommended by Staff and the Planning Commission. The property is located at approximately 588 East 11000 South.

SECOND: Dennis Tenney

VOTE: McCandless- Yes, Tenney- Yes, Smith- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

COUNCIL ITEMS:

6. **Village at Union Park Conditional Use Appeal**
Discussion/Decision Village at Union Park Conditional Use Appeal. Further Council discussion or possible course of action: 1) Additional Conditions, 2) Remand to Planning Commission, or 3) Approval.

DISCUSSION: At the beginning of the discussion, Phil Glenn distributed a letter to the Council. This letter was hand delivered to the Council Office this afternoon, and was written by the Mayor of Cottonwood Heights. The Council took a few minutes to read the letter, before the discussion began. Essentially, he asked that the Sandy City Council deny the Conditional Use. Staff had no additional presentations, and indicated that they were present to respond to questions.

Councilman Chris McCandless recognized the presence of Cottonwood Heights' Mayor. He stated that he took very seriously the impact of this development on Cottonwood Heights' residents. It was his personal opinion, that the Planning Commission allowed too much on the approval of buildings "A" and "B." He felt the massing was too tall. He reported that he went to the developer to ask him to make some voluntary concessions. He emphasized that he spoke only for himself, and made it clear he did not represent the Council as a whole.

Developer Greg Christensen, 7633 Union Park Avenue, stated that the meeting referenced by Mr. McCandless was an informal discussion. He said they may be willing to consider further concessions that were discussed during this meeting. A letter containing what was discussed at the meeting is included as **Exhibit "B"**.

One of the issues discussed was the possibility of changing the site plan by moving buildings "A" and "B". The end result would move both buildings closer to 1300 East, some 7-12 feet, and result in a corresponding change in distance further away from Creek Road (7-12 feet). To do this would require concessions from Sandy City by

narrowing the required widths of the sidewalk and park strip area, as well as the front yard landscape buffer. In addition, this would eliminate the furthest south access driveway currently located in front of building "A". This proposed concession would place the southern most corner of building "A" approximately 35 feet back of curb from 1300 East.

Building "A" and building "B" would likely have to be raised 2 or 3 feet from their existing heights to accommodate the shorter access driveway to the parking garage entrance for those buildings. Taking into account that 1300 East will be increased to three lanes in each direction, resulting in one lane of traffic closer to the curb, and thus the residential buildings would also be closer to the curb. Mr. Christensen said he could not consider moving the buildings any closer to 1300 East, for fear that this would have a negative impact on the quality living environment designed for future Sandy City residents who will live there.

Mr. Christensen stated, "As I have expressed, I am not particularly fond of this suggested change. However, I am willing to concede this further modification in the event that it will make a positive difference in terms of support for the project. As for those residents of Cottonwood Heights who continue to oppose this development, we have respected their concerns, as have the Planning Commission and Staff, and almost all of the changes we have made have been in some part to appease them.

Mr. Christensen reported that the current reservation list for the purchase of our proposed condominium homes continues to increase. 25% of our reservation holders are from Cottonwood Heights. Other phone calls and inquiries regarding the opportunity to live here have been from predominately from the Cottonwood Heights area and the Sandy City/East Bench locations.

Mr. Christensen thanked Mr. McCandless and the Council for their ongoing consideration of his development - The Village at Park Avenue. He also thanked City Staff for their tireless efforts, as well as the Planning Commission. He believes his development, "will benefit Sandy City and deserves the City Council's support." He added that they have respected the Cottonwood Heights residents and have made concession after concession to try to appease them. Mr. Christensen stated that the Planning Commission made a careful, methodical review of this project. They did not err. He asked that the project be allowed to proceed.

Chris McCandless asked if the Council upheld the Conditional Use permit based upon the addition of the items just discussed, would the plan have to go back to the Planning Commission.

Scott Cowdell commented, "If we are going to discuss these changes, we are getting into a full presentation. The residents should be given an opportunity for a full presentation."

Council Chairman Steve Fairbanks responded, "We stopped the meeting to read a letter from Cottonwood Heights, and now we have listened to a letter from the Developer. This is fair."

Dennis Tenney asked Development Services Manager Gil Avellar, "If we impose additional conditions with the proposed changes to building "A" and "B" (moving the buildings closer to 1300 East), would this still meet our code with regard to sidewalks, setbacks, trail space, tree wells and so forth.

Mr. Avellar responded, "I don't have a copy of the Development Code with me, but I believe it could be a possibility."

Dennis Tenney commented that as the Council's current liaison to the Planning Commission, he wished to extend his appreciation to the Cottonwood Heights residents and to the developer. The residents have been very respectful through the hearing process, and the developer has tried to accommodate with many concessions to help reduce their concerns.

In this evening's hearing, the Council's traditional role is changed to that of an appellate body. In that capacity it has the ability to impose additional conditions upon the conditional use granted by the Planning Commission. As an appellate body, it needs to determine first, did the Planning Commission err in its approval process, or were they arbitrary or capricious in imposing too many conditions for this proposed conditional use, short of taking away the property rights of the land owner.

In Mr. Tenney's opinion, the Planning Commission was very restrictive and sensitive to the impacts on the neighbors and to residents of Cottonwood Heights and Sandy City. Mr. Tenney stated that he could support the additional conditions proposed by Mr. McCandless if they will meet code. He commented that the Planning Commission has diligently reviewed this development for the past 1-1/2 years. They looked at all issues to determine the best conditions to place upon the development to limit the impacts to those living nearby.

The Utah State Legislature passed Senate Bill 60. This bill states that conditional uses shall be upheld and approved, consistent with sufficient mitigating conditions. The Council's role as the appellate body is restricted to reviewing those conditions imposed by the Planning Commission and to add to them, if need be. Mr. Tenney believes that the Planning Commission did not make any errors in their approval process. He supports the conditional use permit as approved by the Planning Commission, with the conditions suggested by Councilman McCandless. If these conditions meet the Development Code, this conditional use should not be remanded back to the Planning Commission for further review. He urged the Council to uphold the Planning Commission's decision with the additional conditions.

Bryant Anderson proposed another solution. He suggested that building "A" and building "B" be reduced by one story, along with the office building. At the proposed building heights, it will, in his opinion, change the character of the neighborhood. The shadows cast by these buildings, at different times of the year, may impact the neighbors. Mr. Anderson stated that he found nothing wrong with the Planning Commission's review process, but felt this would be an appropriate concession to add to the conditions imposed by the conditional use approved by the Planning Commission.

Dennis Tenney felt it would arbitrary to impose that condition upon the property owner and developer. He commented that without having sat through the numerous hearings, one would have a hard time digesting the great detail and effort put into the review of the proposed use by the Planning Commission. Due to the concessions that have already been required, reducing the building's height by one story would be inappropriate and unfair. Mr. Tenney adamantly stated that he would not support Mr. Anderson's additional condition, as he felt the developer had already gone to extremes to mitigate the height issue.

Stephen Smith asked Mr. Avellar if the landscape plan involved only the 1300 East side of the development, or did it also include the Creek Road side.

Mr. Avellar responded that the landscape plan incorporates the complete project. Landscaping would be similar to the plan designed for the Ski Connect Road for the entire project.

Bryant Anderson commented that the building heights of the condos (buildings "A" and "B"), because of their close proximity to residents, appear to be causing the greatest concern voiced by the residents.

Scott Cowdell reported that he studied this issue throughly, when he received the official traffic report. He indicated that he also asked his son, who is an attorney, to read through the conditions imposed by the Planning Commission. Together, they could find nothing to warrant an opinion that the Planning Commission had erred in their decision making process. Mr. Cowdell stated, however, that he continues to believe that the buildings are too tall. He also expressed concern that the citizens, who filed the conditional use appeal, were not apprized of the affects of legislation (SB 60).

Mr. Cowdell stated that he was upset with the conditional use approval process. It seemed to him, that developers like a conditional use requirement attached to their projects, because they can come in and request an outrageous development. Even after the development has been passed back and forth between the Planning Commission and the City Council, they eventually get what they want adopted. The height of these buildings should be measured from 1300 East and not Creek Road. The new conditions that were negotiated, he believes, are actually less safe if one of the driveway approaches is removed. Because of (SB60), he felt the residents should be given the opportunity to file their protest under the new guidelines.

Stephen Smith stated that he too had wrestled with the issues involved in this appeal. He stated that he agreed with some of Scott Cowdell's comments. He didn't know if a concession to move the buildings 6-7 feet closer to 1300 East would affect the site lines, or if it would appear the same from Creek Road. The increased slope on the

driveway could be another safety concern. The official traffic study shows that trip counts would be low. However, the short distance between driveways and the interior road appear to create even more challenges. If one looks at the speed allowed on 1300 East, the lane turning left amounts, in his opinion, to a suicide lane. Councilman Smith stated that he was not entirely satisfied with Staff's perspective.

After reading the SD Harada Ordinance, he believes its intent was to allow limited intensity uses. The density of this project is way too high, and the elevation of the residential portion is too tall. He still remains convinced that the height issue has not been significantly addressed. Councilman Smith felt there should be a formal landscape plan along Creek Road. That plan should be sensitive to a landscaped buffer that contains tree species that would eventually reach a 30-50 foot height. The trees could provide a good curtain between the development and the neighbors. He commented that the office building's square footage was so small, that it was hard for him to fathom the type of occupant that would be interested in the space. Buildings "A" and "B" are too tall. Mr. Smith did not have a problem with the height of building "C" and "D", particularly if they were pulled forward and required to have a retaining wall and landscaping to mitigate that view. This, he felt, would reduce the imposing nature of those buildings. In Mr. Smith's opinion, he felt the most appropriate thing to do would be to remand this conditional use back to the Planning Commission, so they can investigate what the City Council has recommended.

Chris McCandless stated he had no concerns with buildings "C" and "D", nor the proposed office building, as they pose no significant impact to the community. The impact of buildings "A" and "B" could be minimized if they were placed farther to the south and away from Creek Road. This would also move them further from Michelle Way, and actually improve the site. If the top floor were to be eliminated, it would be the same as moving the buildings back 10-12 feet. Our neighbor, Cottonwood Heights', City Council voted to pass a resolution not to approve this project. Councilman McCandless stated that the Sandy City Council needs to take this very seriously. Removing the third driveway will not create a significant impact. He felt it would actually improve the results of the traffic study. With those concessions, he felt it would mitigate the concerns voiced by the people in Cottonwood Heights.

Scott Cowdell commented, "Whatever comes out of this thing, I will personally push to have a change made in the conditional use process, because this has been such a difficult thing." He felt this request should have come in as a zone change and not as a conditional use.

#1

MOTION: Dennis Tenney made the motion to DENY the conditional use appeal. The conditional use is to be upheld as approved by Staff and the Planning Commission.

Question on the motion:

Chris McCandless asked for a clarification from City Attorney Walter Miller regarding a possible 3-3 vote (one Council member was absent). If this occurs, what happens?

Walter Miller responded, "An appeal has no power without the majority support of the City Council."

Phil Glenn explained that the Council's Rules of Procedure would require that only a Council member voting in the majority could make a motion to bring back the issue for reconsideration at this or the upcoming Council meeting. A 3-3 vote creates a complication, and the Council would have to determine how to interpret bringing a further discussion back.

Steve Fairbanks summarized what he felt were the Council's options:

- 1) Add additional conditions to those imposed by the Planning Commission.
- 2) Remand back to the Planning Commission.
- 3) Approve

Mr. Fairbanks asked **Mr. Miller**, "Can we invoke both 1 and 3?"

Mr. Miller suggested that the Council move forward by identifying the adverse impacts, and what issues we are trying to address. If there are traffic safety issues that need to be addressed, they need to be reviewed by the City's Traffic Engineer. He suggested that the Planning Commission could review the proposed changes and any new review conducted by the Traffic Engineer. Mr. Miller asked that the Council determine whether this is an issue of appearance or an issue of impact.

AMENDED 1ST MOTION: Dennis Tenney stated that he would be willing to amend his motion to state that the conditional use would be remanded back to the Planning Commission to once again review the site plan, with particular consideration to the additional benefits of moving buildings "A" and "B" closer to 1300 East, under safe traffic guidelines as reviewed by the Traffic Engineer.

Scott Cowdell asked if Mr. Tenney's amended motion was approved, would the new conditions also be subject to appeal.

Walter Miller responded, "Not when submitted as a recommendation." He noted that the project is already approved. What is being appealed is the granting of the conditional use by the Planning Commission, and inherently those conditions set out to mitigate impacts

#1VOTE: Motion dies for lack of a second.

#2

MOTION: Bryant Anderson made the motion to remand the conditional use back to the Planning Commission for further review. The Planning Commission will then be asked to locate the buildings the best way that they can, however, he is not personally in favor of moving the buildings closer to 1300 East, because of possible safety problems. In addition, the developer is to be asked to remove the top floor of buildings "A" and "B".

SECOND: Scott Cowdell

SUBSTITUTE MOTION: Dennis Tenney made the motion to delay a decision on the conditional use appeal for one week, to allow the full Council to be in attendance.

SECOND: Scott Cowdell

Chris McCandless commented that he would love to remove the top floor. However, there would have to be substantial reasons for doing so.

Steve Fairbanks added that it is tough to balance the needs of the community, those of a developer and a property owner and those of the abutting neighborhood.

#3VOTE: Tenney- Yes, Cowdell- Yes, Smith- No, McCandless- No,
Saville- Absent, Anderson- Yes, Fairbanks- Yes,

MOTION PASSED

4 in favor, 2 opposed, 1 absent

9. Street Vacation 500 West at 9100 South

Ordinance #06-13 - revising the Official Street Map of Sandy City by vacating a portion of 500 West and approximately 9100 South, but not vacating any utility easements, rights-of-way or dedications by use located therein.

MOTION: Dennis Tenney made the motion to adopt Ordinance #06-13 - revising the Official Street Map of Sandy City by vacating a portion of 500 West and approximately 9100 South, but not vacating any utility easements, rights-of-way or dedications by use located therein.

SECOND: Stephen Smith

VOTE: Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

10. Interlocal Agreement: S.L. County/Sandy - Traffic Signal at 9600 So. Highland Dr.
Resolution #06-27 C - authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County and Sandy City for the installation and maintenance of a Traffic Signal at 9600 So. Highland Dr.

MOTION: Dennis Tenney made the motion to adopt Ordinance #06-13 - revising the Official Street Map of Sandy City by vacating a portion of 500 West and approximately 9100 South, but not vacating any utility easements, rights-of-way or dedications by use located therein.

SECOND: Scott Cowdell

VOTE: Tenney- Yes, Cowdell- Yes, Smith- No, McCandless- Yes,
Saville- Absent, Anderson- Yes, Fairbanks- Yes,

MOTION PASSED
5 in favor, 1 opposed, 1 absent

11. Code Amendment: Administrative Code - Sandy City Arts Guild
Ordinance #06-14 - Amending title 6, Administrative Code, adopting a new Chapter 10, "Sandy City Arts Guild"; also providing a saving clause for the ordinance and an effective date.

MOTION: Scott Cowdell made the motion to adopt Ordinance #06-14 - Amending title 6, Administrative Code, adopting a new Chapter 10, "Sandy City Arts Guild"; also providing a saving clause for the ordinance and an effective date.

SECOND: Dennis Tenney

VOTE: Cowdell- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

12. Funds Transfer: Living Planet Aquarium (\$35,000)
Resolution #06- 41 C - transferring funds within the General Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #06- 41 C - transferring funds (\$35,000) within the General Fund.

SECOND: Bryant Anderson

VOTE: Tenney- Yes, Anderson- Yes, Smith- No, McCandless- Yes,
Saville- Absent, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
5 in favor, 1 opposed, 1 absent

13. Funds Transfer: American Legion/Memorial Day Services (\$800)
Resolution #06- 39 C - transferring funds within the General Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #06- 39 C - transferring funds (\$800) within the General Fund.

SECOND: Stephen Smith

VOTE: Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

14. **Funds Transfer: Digital Audio Recording Hardware & Software FTR Gold System (\$10,000)**
Resolution #06-40 C - transferring funds within the General Fund.

MOTION: Bryant Anderson made the motion to adopt Resolution #06-40 C - transferring funds (\$10,000) within the General Fund.

SECOND: Stephen Smith

VOTE: Anderson- Yes, Smith- Yes, Tenney- Yes, McCandless- Yes,
Saville- Absent, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

15. **Funds Transfer: Payroll Management Fund (\$80,000)**
Resolution #06-28 C - increasing total appropriations within the Payroll Management Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #06-28 C - increasing total appropriations (\$80,000) within the Payroll Management Fund.

SECOND: Stephen Smith

VOTE: Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

16. **Funds Transfer: Amphitheater Fund (\$15,000)**
Resolution #06- 29 C - increasing total appropriations within the Amphitheater Fund.

MOTION: Bryant Anderson made the motion to adopt Resolution #06- 29 C - increasing total appropriations (\$15,000) within the Amphitheater Fund.

SECOND: Dennis Tenney

VOTE: Anderson- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

17. **Funds Transfer: Risk Management Fund (\$265,000)**
Resolution #06- 30 C - increasing total appropriations within the Risk Management Fund.

MOTION: Stephen Smith made the motion to adopt Resolution #06- 30 C - increasing total appropriations (\$265,000) within the Risk Management Fund.

SECOND: Dennis Tenney

VOTE: Smith- Yes, Tenney- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

18. **Funds Transfer: Fleet Purchases Fund (\$20,000)**
Resolution #06-31 C - increasing total appropriations within the Fleet Purchases Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #06-31 C - increasing total appropriations (\$20,000) within the Fleet Purchases Fund.

SECOND: Stephen Smith

VOTE: Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

19. **Funds Transfer: Water Fund - Water Line Project (\$242,500)**
Resolution #06-32 C - increasing total appropriations within the Water Fund.

MOTION: Stephen Smith made the motion to adopt Resolution #06-32 C - increasing total appropriations Resolution #06-32 C - increasing total appropriations within the Water Fund. within the Water Fund.

SECOND: Dennis Tenney

VOTE: Smith- Yes, Tenney- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

20. **Funds Transfer: Water Fund - Granite Tank (\$2,000,000)**
Resolution #06-33 C - increasing total appropriations within the Water Fund.

MOTION: Chris McCandless made the motion to adopt Resolution #06-33 C - increasing total appropriations (\$2,000,000) within the Water Fund.

SECOND: Stephen Smith

VOTE: McCandless- Yes, Smith- Yes, Tenney- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

21. **Funds Transfer: Debt Service Funds (\$12,413)**
Resolution #06-34 C - increasing total appropriations within the Debt Service Funds.

MOTION: Stephen Smith made the motion to adopt Resolution #06-34 C - increasing total appropriations (\$12,413) within the Debt Service Funds.

SECOND: Dennis Tenney

VOTE: Smith- Yes, Tenney- Yes, McCandless- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 aabsent

22. **Funds Transfer: Capital Projects Fund - Fire Station #32 Renovation (\$80,734)**
Resolution #06-35 C - increasing total appropriations within the Capital Projects Fund.

MOTION: Bryant Anderson made the motion to adopt Resolution #06-35 C - increasing total appropriations (\$80,734) within the Capital Projects Fund.

SECOND: Dennis Tenney

VOTE: Anderson- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

23. **Funds Transfer: Capital Projects Fund - Fire Station #32 Addition (\$139,900)**
Resolution #06-36 C - increasing total appropriations within the Capital Projects Fund.

MOTION: Dennis Tenney made the motion to adopt Resolution #06-36 C - increasing total appropriations (\$139,900) within the Capital Projects Fund.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 opposed

24. **Funds Transfer: Capital Projects Fund - 8 Acre Park Improvements (\$1,300,000)**
Resolution #06-37 C - increasing total appropriations within the Capital Projects Fund.

MOTION: Bryant Anderson made the motion to adopt Resolution #06-37 C - increasing total appropriations (\$1,300,000) within the Capital Projects Fund.

SECOND: Dennis Tenney

VOTE: Anderson- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Absent, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

25. **Funds Transfer: Capital Projects (\$80,734)**
Resolution #06-38 C - transferring funds within the General Fund.

MOTION: Stephen Smith made the motion to adopt Resolution #06-38 C - transferring funds (\$80,734) within the General Fund.

SECOND: Chris McCandless

VOTE: Smith- Yes, McCandless- Yes, Tenney- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

26. **Funds Transfer: Capital Projects (\$50,000)**
Resolution #06-42 C - increasing total appropriations within the Golf Fund.

MOTION: Stephen Smith made the motion to adopt Resolution #06-42 C - increasing total appropriations within the Golf Fund.

SECOND: Chris McCandless

VOTE: Smith- Yes, McCandless- Yes, Tenney- Yes,
Saville- Absent, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED
6 in favor, 1 absent

MINUTES:

27. **Approving the May 9, 2006, City Council Meeting Minutes.**

MOTION: Dennis Tenney made the motion to adopt the May 9, 2006, City Council Meeting Minutes as submitted.

SECOND: Bryant Anderson

VOTE: The Council voted verbally and unanimously in the affirmative.

28. **MAYOR'S REPORT:**

a. Absent

29. **CAO'S REPORT:**

a. **Director of Human Resources & Management Services Brian Kelley** reported that the City has just recently become aware of a problem, due to the City not participating in the Social Security system. Our employees may not qualify for an extension of COBRA group health coverage in the event they become disabled. Federal law requires employers to offer a temporary continuation of group health plan coverage to qualified beneficiaries. The continuation period is generally 18 months, but it can be extended under a list of defined criteria.

Mr. Kelley explained that this scenario has only come up twice in the last ten years, and both of those have been within the last two months. It was his recommendation, and that of the Administration, that these two individuals be allowed to continue on COBRA, with the City paying the difference in premium for the 11 month extension period beyond the 18- month maximum. A more permanent policy will be developed, and presented to the Council for approval. That section will then be added to the employee handbook when it is reviewed and updated.

Dennis Tenney asked how many people would take advantage of this extension period.

Brian Kelley responded that there has only been the aforementioned two in the past 10 years. If approved, the City would pay one-half, and the employee will pay the remaining one-half (about \$600 each) for the eleven month extension.

The Council indicated that they would support the suggested plan for the two individuals mentioned by staff, until a more formalized plan can be adopted.

30. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** passed out the Council's calendar and a newspaper article regarding school district alternatives. Mr. Glenn also advised the Council to turn their insurance information into the Personnel Department.

31. **OTHER COUNCIL BUSINESS:**

- a. Councilman **Chris McCandless** expressed his appreciation to the Council for listening to the development alternatives he and the developer discussed as a way to mitigate concerns on the Conditional Use Appeal for the Village at Union Park. He felt the movement of buildings "A" and "B" further away from Creek Road would make a big difference, along with changes to the driveway elevation and eliminating one of the ingress egress driveways into the project.

At approximately 9:20 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Scott Cowdell.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Steve Fairbanks
Council Chairman

Naleen Wright
Council Office Manager

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